

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 4, 6-10, 19, 23 and 25 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicants respectfully request the Examiner to accept the proposed amendments. Claims 11-16 and 18 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-10, 17 and 19-25 are now presented for examination.

35 U.S.C. § 103 Rejection

Claims 1-3 and 21-22 stand rejected under 35 U.S.C. §103(a), as being anticipated by Reilly et al., U.S. Patent No. 6,427,164 (“Reilly”) in view of Japanese application No. 2000259514 (“JP259514”).

In response, Applicant submits a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome JP259514. The submitted declaration illustrates that the present application had been conceived and reduced to practice in the United States at least prior to September 22, 2000, the publication date of JP259514. Reduction to practice occurs upon proof that the inventor had prepared drawings or other descriptions of the invention that are sufficiently specific to enable a person skilled in the art to practice the invention. (see Pfaff v. Wells Elec., Inc., 525 U.S. 55).

Applicant submits that the declaration pursuant to 37C.F.R. § 1.131 removes the rejection under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that the rejection of claim 1 and its dependent claims be withdrawn.

Claim 21 includes limitations similar to those of claim 1. Accordingly, for the reasons stated above with respect to claim 1, Applicant respectfully requests the withdrawal of the rejection of claim 21, and its dependent claims.

Applicant emphasizes that submission of the enclosed declaration pursuant to 37 C.F.R. §1.131 should not be construed as acquiescence to any of the reasons for rejection set forth in the Final Office Action mailed June 6, 2005.

Claims 4-10, 17-20 and 23-25 stand rejected under 35 U.S.C. §103(a), as being anticipated by Reilly in view of ("JP259514") and further in view of Applicants admitted prior art.

Claims 8 and 17 include limitations similar to those of claim 1. Accordingly, for the reasons stated above with respect to claim 1, Applicant respectfully requests the withdrawal of the rejection of claims 8 and 17, and their dependent claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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